

BOARD OF SUPERVISORS

MINUTES

October 22, 2003

Supervisors in Attendance:

Mr. Arthur S. Warren, Chairman
Mr. J. L. McHale, III, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny B. Humphrey
Mr. Kelly E. Miller

Mr. Lane B. Ramsey
County Administrator

School Board Member in Attendance:

Dr. James Schroeder

Staff in Attendance:

Mr. George Braunstein,
Exec. Dir., Community
Services Board
Ms. Janice Blakley, CMC
Deputy Clerk
Maj. James Bourque,
Police Department
Mr. Craig Bryant, Dir.,
Utilities
Dr. Billy K. Cannaday, Jr.,
Supt., School Board
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. Robert L. Eanes,
Asst. to the County
Administrator
Chief Stephen A. Elswick,
Fire Department
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Rob Key, Asst. Dir.,
General Services
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney

Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. Scott Zaremba, Asst.
Dir., Human Resource
Management

Mr. Warren called the regularly scheduled meeting to order at 4:13 p.m.

1. APPROVAL OF MINUTES

On motion of Mr. McHale, seconded by Mr. Miller, the Board approved the minutes of September 29, 2003, as submitted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the minutes of September 30, 2003, as submitted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the minutes of October 8, 2003, as submitted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Warren recognized Mr. Jon Mathiasen, President and Chief Executive Officer of Richmond International Airport, who provided a brief update on the airport expansion/renovation project.

Mr. Warren requested that the Board consider Item 8.B.1.c., Resolution Approving the Financing Plan for Richmond International Airport Expansion, Modernization and Renovation, at this time.

**8.B.1.c. APPROVING THE FINANCING PLAN FOR RICHMOND
INTERNATIONAL AIRPORT EXPANSION, MODERNIZATION AND
RENOVATION**

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution approving the \$270,000,000 financing plan for the expansion, modernization and renovation of Richmond International Airport:

WHEREAS, the Capital Region Airport Commission was created pursuant to the provisions of Chapter 380 of the Acts of Assembly of 1980, as amended (the "Enabling Act"), and owns and operates the Richmond International Airport (the "Airport"); and

WHEREAS, in order to expand its facilities due to increasing passenger and cargo demand, the Commission desires to undertake any or all of the improvements, enlargements or replacements at the Airport (the "Project") and issue its bonds, notes or other obligations (the "Obligations") pursuant to a plan of financing, all as set forth in Exhibit A included in the papers of this Board; and

WHEREAS, the Enabling Act requires that the governing body of each participating political subdivision of the Commission approve the maximum amount and general purposes of the issuance of indebtedness by the Commission; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that, following a public hearing, the plan of financing for the issuance of exempt facilities bonds or notes be approved by certain elected public bodies in respect of the issuer of such bonds or notes; and

WHEREAS, the plan of financing for the issuance of the Obligations for the Project was the subject of a public hearing by the Commission on August 26, 2003, in accordance with the provisions of Section 147(f) of the Code; and

WHEREAS, the Commission has requested that the Board of Supervisors of the County of Chesterfield, Virginia (the "County") approve the plan of financing for the issuance of the Obligations to finance or refinance any or all parts of the Project and their maximum amount, as required by the Enabling Act and to the extent required by the Code; and

WHEREAS, it is in the best interests of the County to approve the Commission's plan of financing as set forth in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

1. The Board hereby approves the issuance of the Obligations by the Commission pursuant to the plan of financing for the Project, all as described in Exhibit A, and the general purposes thereof for the financing or refinancing of the Project, as required by the Enabling Act and to the extent required by Section 147(f) of the Code.

2. The approval of the plan of financing for the issuance of the Obligations does not constitute an endorsement to prospective purchasers of the Obligations of the creditworthiness of the Project, the Airport or the Commission. As set forth in the plan of financing, the Obligations shall provide that neither the County nor the Commission shall be obligated to pay the Obligations or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and from any other funds which may become available, and neither the faith or credit nor the taxing power of the Commonwealth, the County or the Commission shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.C. DOMINION VIRGINIA POWER UPDATE

Ms. Iris Holliday, Senior External Affairs Manager, introduced Mr. Ken Barker, Vice President of Customer Planning, to provide the Board with an update on Dominion Virginia Power's disaster recovery efforts following Hurricane Isabel.

Mr. Barker stated the three-year drought, followed by a year of flooding, left trees very susceptible to falling during high wind, and it is estimated that over 200,000 downed trees damaged Dominion's facilities. He further stated no amount of tree trimming could have lessened the damage from falling trees. He stated over 11,000 poles, 15,000 cross-arms and 8,000 transformers were replaced, and approximately 1,000 miles of line was rebuilt or repaired at over 50,000 individual work locations. He further stated a record workforce of 12,000 was used to restore service. He stated Dominion restored power in approximately 121,000 homes per day during Isabel, which is a record level for the company. He expressed appreciation to Dominion's employees, customers, contractors and others who came to their aid during the event.

Mr. Miller stated many concerns were expressed at the September 29 and 30, 2003 community meetings relative to tying smaller areas into the same grid as nearby larger developments, and inquired whether Dominion is addressing these concerns.

Mr. Barker stated each customer has a reliability index, and Dominion is reviewing those indexes that are the worst, and will consider the concerns expressed regarding smaller areas being tied into larger grids.

Mr. Warren expressed appreciation for the extraordinary efforts of Dominion Virginia Power during Hurricane Isabel.

Mr. Barker expressed appreciation to Mr. Ramsey for communicating information through the county's GIS System.

2.B. EMERGENCY MEDICAL SERVICES REVENUE RECOVERY UPDATE

Deputy Chief Paul Shorter provided an update on Emergency Medical Services (EMS) revenue recovery. He stated the department feels the program is highly successful, indicating \$1.5 million has been provided to the EMS system since the program's implementation; there have been very few complaints; and there is no indication that residents are afraid to call 9-1-1 as a result of revenue recovery. He discussed the history of the program, and provided a breakdown of sources for the \$1.5 million collected for ambulance transports, noting that Medicare was the major contributor.

Mr. McHale noted that only 2.16 percent of the \$1.5 million collected was from citizens who paid out of pocket, and the remainder was covered by insurance.

Chief Shorter provided data relative to the EMS passport program.

Discussion ensued relative to communicating with citizens regarding the EMS passport program.

When asked, Mr. Shorter stated funds collected through the EMS passport program are redistributed to the respective volunteer rescue squad to offset the loss of contributions. He further stated there have been no additional requests for funding from the rescue squads as a result of lost contributions. He noted Manchester Volunteer Rescue Squad indicated it had its best solicitation effort ever this past year. He reviewed system improvements as a result of revenue recovery, including hiring 11 firefighters to supplement staffing; and upgrading cardiac monitors/defibrillators and patient stretchers.

Mrs. Humphrey stated the Ettrick-Matoaca Volunteer Rescue Squad is extremely pleased that their equipment and training needs are being met as a result of revenue recovery. She requested information regarding the demographics of citizens who paid out of pocket for EMS transport services, and stated this information would be useful in targeting certain groups with information regarding the EMS passport.

Chief Shorter continued to review system improvements as a result of revenue recovery, including replacing "Jaws of Life" rescue tools; placing a first response EMS vehicle in service to assist with meeting the deficiency in the six-minute response goal; and developing a program to fund the cost of training and certifying firefighters to the paramedic level.

Discussion ensued relative to the availability of data for lives saved as a result of meeting the six-minute response goal.

Chief Shorter reviewed future improvements, including the addition of an Operational Medical Director and a Quality Assurance Coordinator. He expressed appreciation to the Board and Mr. Ramsey for their support of the revenue recovery program.

When asked, Chief Shorter stated there is no evidence that revenue recovery has discouraged citizens from calling 9-1-1, and the call volume continues to increase at the same level it has been increasing over the past couple of years.

Mr. Warren expressed appreciation to Chief Shorter for the success of the revenue recovery program.

Mr. McHale suggested that the Fire and EMS Department provide increased communication of the EMS passport program.

2.D. PRESENTATION TO THE UTILITIES DEPARTMENT FOR E-2 CERTIFICATION

Mr. Eanes stated that, under the leadership of Mr. Roy Covington, Deputy Director of Utilities, and his team, the Proctors Creek Wastewater Treatment Plant has been aligned

with the requirements of the Virginia Department of Environmental Quality's Environmental Excellence Program.

Mr. Covington stated the Utilities team attended Virginia Tech workshops, and he is pleased that Chesterfield is the first to receive the E-2 Certification for Environmental Excellence from the Department of Environmental Quality Standards. He further stated the process was challenging, and expressed appreciation to team members Mr. Bob Talmage, Mr. Alan Harrison and Mr. Scott Smedley, for their efforts in achieving the certification. He then introduced Mr. Gerry Seeley, Director of Piedmont Regional Office, Department of Environmental Quality (DEQ) and Ms. Sharon Baxter, Director of Office of Pollution Prevention, DEQ.

Ms. Baxter stated she is pleased to recognize Chesterfield as the leading local government achieving the E-2 Certification.

Mr. Seeley presented the E-2 Certification for Environmental Excellence from the Virginia Department of Environmental Quality to Mr. Covington and stated he is extremely proud of Chesterfield County.

2.A. THE OUTLINE OF A REPORT ON MTBE

It was generally agreed that, due to time constraints, the outline of a proposed report on Methyl Tertiary-Butyl Ether (MtBE) be postponed until November 12, 2003.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Barber, seconded by Mr. McHale, the Board deleted Item 7.B., Authorization for T-Mobile to Apply for Conditional Use for Construction of a Communications Tower at Ettrick Park; added Item 8.A.4., Consideration of Extending the Length of Time for the Planning Commission to Act on a Request for Substantial Accord for Three School Sites; replaced Item 8.B.1.a., Adoption of Resolution Confirming Proceedings of the Chesterfield County Industrial Authority, which Considered the Application of Bon Secours-St. Francis Medical Center, Incorporated, with Facilities to be Located in Chesterfield County, Virginia, which is a Virginia Nonstock, Nonprofit Corporation and an Organization Described Under Section 501(c)(3); moved Item 15.C., Zoning Case 03SN0245 (William P. Sowers Construction Company) to be heard following Zoning Case 03SN0246 (WalMart Stores East, L.P.); and adopted the Agenda, as amended.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

**5.A. RECOGNIZING DRUG AND ALCOHOL ABUSE TASK FORCE MEMBERS
FOR THEIR SERVICE AND LEADERSHIP**

5.A.1. MR. CHRISTOPHER LINDBLOOM

Mr. Hammer introduced Mr. Christopher Lindbloom who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Mr. Christopher Lindbloom has served as a representative of the Midlothian District since the year 2000; and

WHEREAS, Mr. Lindbloom has provided valuable leadership to the task force by serving as chairman.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Mr. Christopher Lindbloom for his concern for the well-being of his community and his leadership, commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Lindbloom and expressed appreciation for his service on the Drug and Alcohol Abuse Task Force.

5.A.2. MR. FRED CARRERAS

Mr. Hammer introduced Mr. Fred Carreras who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Mr. Fred Carreras is the longest serving member of the task force, representing the Midlothian District for nine years since his appointment in 1994; and

WHEREAS, Mr. Carreras has provided valuable leadership to the task force by serving as a past chairman.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Mr. Fred Carreras for his concern for the well-being of his community and his leadership, commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Carreras and expressed appreciation for his service on the Drug and Alcohol Abuse Task Force.

5.A.3. DR. BANCROFT GREENE

Mr. Hammer introduced Dr. Bancroft Greene who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance

abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Dr. Bancroft Greene served as a representative of the Clover Hill District since 2002; and

WHEREAS, Dr. Greene has been a faithful and dedicated member of the task force.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Dr. Bancroft Greene for his concern for the well-being of his community and his commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Dr. Greene and expressed appreciation for his service on the Drug and Alcohol Abuse Task Force.

5.A.4. MR. STEPHEN QUIGLEY

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Mr. Stephen Quigley has served as a representative of the Matoaca District since 2002; and

WHEREAS, Mr. Quigley has been a faithful and dedicated member of the task force.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Mr. Stephen Quigley for his concern for the well-being of his community and his commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

(It is noted Mr. Quigley was unable to attend the meeting and his resolution will be presented at a later date.)

5.A.5. MS. LU GAY LANIER

Mr. Hammer introduced Ms. Lu Gay Lanier who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Ms. Lu Gay Lanier has served as a representative of the Matoaca District since 1998; and

WHEREAS, Ms. Lanier has provided valuable leadership to the task force by serving as a past chairman.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Ms. Lu Gay Lanier for her concern for the well-being of her community and her leadership, commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Lanier and expressed appreciation for her service on the Drug and Alcohol Abuse Task Force.

5.A.6. MS. JOY WALKER

Mr. Hammer introduced Ms. Joy Walker who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Ms. Joy Walker has served as a representative of the Dale District since 2002; and

WHEREAS, Ms. Walker has been a faithful and dedicated member of the task force.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Ms. Joy Walker for her concern for the well-being of her community and her commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Walker and expressed appreciation for her service on the Drug and Alcohol Abuse Task Force.

5.A.7. MR. HOWARD WARREN, SR.

Mr. Hammer introduced Mr. Howard Warren, Sr. who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work with a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Mr. Howard Warren, Sr. has served as a representative of the Matoaca District during 2003; and

WHEREAS, Mr. Warren has been a faithful and dedicated member of the task force.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Mr. Howard Warren, Sr. for his concern for the well-being of his community and his commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Warren and expressed appreciation for his service on the Drug and Alcohol Abuse Task Force.

5.A.8. MS. LU HENDERSON

Mr. Hammer introduced Ms. Lu Henderson who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high

school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Ms. Lu Henderson has served as a representative of the Bermuda District since 1997; and

WHEREAS, Ms. Henderson has been a faithful and dedicated member of the task force.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Ms. Lu Henderson for her concern for the well-being of her community and her commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Henderson and expressed appreciation for her service on the Drug and Alcohol Abuse Task Force.

Members of the Drug and Alcohol Abuse Task Force each expressed appreciation for the opportunity to serve the county.

5.B. RECOGNIZING MS. JUDY ROSSI, MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE, UPON HER RETIREMENT

Mr. Hammer introduced Ms. Judy Rossi who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ms. Judy A. Rossi will retire on November 1, 2003 after providing twenty-five years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Ms. Rossi began her career with the Chesterfield County Department of Mental Health, Mental Retardation and Substance Abuse Services in July 1978 as a Supervisor providing case management services to individuals with mental illness and mental retardation and their families; and

WHEREAS, Ms. Rossi was promoted to Director of Community Services in 1993 and has mentored many professionals in the field of mental retardation; and, provided strong leadership by empowering staff to develop creative approaches to providing services to persons with disabilities; and, she has provided a lifetime of support and guidance to many citizens of Chesterfield County, and has been rewarded by the simple

accomplishments of success of those she served and the appreciation expressed by families; and

WHEREAS, Ms. Rossi has served on numerous county boards, committees and workgroups, such as the Disability Services Board, Camp Baker Management Board, and Chesterfield University School of Health, Safety and Security, to name a few; and

WHEREAS, Ms. Rossi has represented Chesterfield Mental Health, Mental Retardation and Substance Abuse Services at the state level, serving as the Virginia Association of Community Services Board (VACSB) Mental Retardation Council chair, member of the VACSB Government Relations Committee; member of the Mental Retardation Medicaid Waiver Task Force, and Quality Council; and, has provided extraordinary leadership in identifying and obtaining funding for hundreds of persons with mental retardation needing services; and, she has worked with many advocates in the development of best practice protocols which have been adopted statewide; and

WHEREAS, Ms. Rossi is an energetic and enthusiastic advocate for persons with mental retardation, willing to go the extra mile to achieve a first choice community for individuals with disabilities; and, she has earned respect for her tenacious advocacy and application of ethics and values; and, has been recognized for her commitment, dependability, and leadership by local and state leaders, and is held in highest regard by her colleagues across the state; and

WHEREAS, Ms. Rossi will be missed for her professional role of supporting persons with mental retardation, and for the quality and caliber of her commitment and performance to the Mental Health, Mental Retardation and Substance Abuse Department and to our citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes the contributions of Ms. Judy A. Rossi, and extends its appreciation for her twenty-five years of dedicated service to the county, congratulations upon her retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Ms. Rossi, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Rossi, accompanied by her daughter and Mr. Braunstein, expressed appreciation for her dedicated service, and wished her a long and happy retirement.

Mr. Ramsey presented Ms. Rossi with a Jefferson Cup and offered best wishes on her retirement.

Ms. Rossi expressed appreciation for the recognition.

6. WORK SESSION

O LEGISLATION FOR THE 2004 GENERAL ASSEMBLY

Ms. Curtin reviewed legislative priorities for the 2004 General Assembly session, including protecting local revenues as the General Assembly considers various tax restructuring and telecommunications tax reform proposals; and protecting the county's current cash proffer authority.

Mr. Miller requested that language be drafted to protect the county in the area of local land use and zoning authority.

It was generally agreed, due to time constraints, the Board forego a presentation by Ms. Curtin, and that discussion ensue only on legislative items of particular interest to Board members.

Mr. Miller requested that the legislative request regarding group homes be as restrictive as possible to protect our neighborhoods and that adjacent property owners be notified of the intent to locate a group home.

Mr. Micas stated that, currently, neither restrictive covenants nor zoning regulations can prohibit the location of group homes in residential areas. He further stated staff has drafted an amendment, which addresses the concerns expressed by Mr. Miller, and he will provide a copy to Board members.

Mrs. Humphrey requested that the county's concerns regarding group homes be communicated to the Congressional delegation.

Mr. McHale stated he feels the request to sponsor legislation to allow localities to defer incremental increases in residential real estate taxes due to assessment increases for qualifying taxpayers provides an opportunity to assist those residents who are most in need.

Ms. Curtin indicated staff will evaluate the feasibility of the proposal requested by Mr. McHale and bring back to the Board as part of the upcoming budget process.

Mr. Barber stated the legislative request to amend the county charter to allow for deferral of payments within residential water or sewer assessment districts for owners 65 years of age or older also will assist with providing tax relief for the elderly. He stated Senator Watkins has indicated he would support the request, and suggested that Board members speak with individual members of the legislative delegation in an effort to acquire universal support for the request.

Mr. Warren thanked Ms. Curtin for her efforts in drafting the county's 2004 Legislative Program.

7. DEFERRED ITEMS

7.A. CONSIDERATION OF AN ORDINANCE TO ESTABLISH THE "ENGLEWOOD SEWER ASSESSMENT DISTRICT" FOR 24-LOTS IN THE ENGLEWOOD SUBDIVISION

Mr. Bryant stated the Board held a public hearing on July 23, 2003 to consider establishment of the "Englewood Sewer

Assessment District" for 24-lots, and deferred consideration until September 17, 2003, at which time the Board again deferred the matter until this date, to discuss with members of the General Assembly opportunities to defer payment of assessment for people over the age of 65.

Mr. Barber stated, although the cost of sewer service can be paid over a 20-year period at a very low interest rate, he was still uncomfortable imposing it upon citizens who did not want the service. He further stated, if he did not feel the issue raised by senior citizens on fixed income would be addressed by the county's legislative delegation, he probably would not recommend support of the assessment district, but indicated that he feels secure the issue will be addressed by the General Assembly.

Mr. Barber then made a motion, seconded by Mr. Miller, for the Board to adopt the following ordinance establishing the "Englewood Sewer Assessment District":

AN ORDINANCE TO CREATE THE ENGLEWOOD
SPECIAL TAX OR ASSESSMENT SEWER DISTRICT

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That the Englewood Special Tax or Assessment Sewer District is created as follows:

Section 1. Definitions.

In the context of this ordinance, the following words shall have the following meaning:

District: The Englewood Special Tax or Assessment Sewer District.

Map of the District: The map entitled "Proposed Englewood Sewer Assessment District" prepared by the County Department of Utilities, which map is on file with the director of utilities.

Section 2. Establishment of Englewood Special Tax or Assessment Sewer District.

Pursuant to Code of Virginia, Section 15.2-2404 et seq., there is hereby created in the county the Englewood Special Tax or Assessment Sewer District. The area of the district shall be and the same is hereby fixed within the boundaries depicted on the map of the district.

Section 3. Construction of certain sewer facilities in and adjacent to the district.

The utilities department shall cause to be constructed in and adjacent to the district the sewer line and appurtenant facilities depicted on the map of the district.

Section 4. Taxes or assessments upon owners of property located within the district.

The cost of construction of the sewer line and appurtenant facilities located within the district shall be apportioned among the owners of property abutting the sewer line. The amount of the tax or assessment charged to each such owner shall be one twenty-fourth (1/24) of the total

cost of the improvements constructed within the district, including the legal, financial and other directly attributable costs incurred by the County. The one twenty-fourth (1/24) charge shall be assessed against each lot located in the district. The amount finally taxed or assessed against each landowner shall be reported to the treasurer as soon as practicable after completion of the sewer line and appurtenant facilities located within the district, and the treasurer shall enter the same as provided for other taxes.

Section 5. Installment payment of assessments.

Any person against whom an assessment provided for in this article has been finally made shall pay the full amount of the assessment provided for in this article, on the due date of the first tax bill on which such assessment is shown. In no event, however, shall any part of the assessment be due prior to the completion of the sewer line and appurtenant facilities constructed pursuant to this article. As an alternative to payment as provided above, a person against whom an assessment provided for in this article has been made may pay such assessment in forty (40) equal semiannual principal installments over a period of twenty (20) years, together with simple interest on the unpaid principal balance at an annual rate equal to the index of average yield on United States Treasury Securities adjusted to a constant maturity of one year as made available by the Federal Reserve Bank on the date when this ordinance was adopted. The first of such installments shall be due on and interest on the unpaid principal balance shall accrue from the date on which the full amount of the assessment would otherwise have been due as provided above.

Section 6.

This ordinance shall not be set out in the County Code but shall be kept on file in the office of the director of utilities.

(2) This ordinance shall be in effect immediately upon its adoption.

And, further, the Board appropriated \$255,415 from the sewer fund balance for the project; and set an interest rate at 1.31 percent (the current interest rate on one-year United States Treasury Bills.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mr. McHale, seconded by Mr. Warren, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of members to serve on the Substance Abuse Free Environment (SAFE) Board of Directors; Youth Services Citizen Board; and Disability Services Board.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.A.1. SAFE BOARD OF DIRECTORS

On motion of Mr. Warren, seconded by Mr. Barber, the Board simultaneously nominated/appointed the following members to serve on the Substance Abuse Free Environment (SAFE) Board of Directors, whose terms are effective immediately.

<u>Name</u>	<u>District</u>	<u>Expiration Date</u>
Mr. Fred Carreras	Midlothian	9/30/2006
Dr. Bancroft Greene	Clover Hill	9/30/2006
Ms. Lu Gay Lanier	Matoaca	9/30/2004
Mr. Howard Warren, Sr.	Matoaca	9/30/2005

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.A.2. YOUTH SERVICES CITIZEN BOARD

On motion of Mr. Miller, seconded by Mr. McHale, the Board simultaneously nominated/appointed Ms. Ruta Patel, a student representative from the Dale District, to serve on the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.A.3. DISABILITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board simultaneously nominated/appointed Mr. Keith Wright, representing the Matoaca District, to serve on the Disability Services Board, whose term is effective immediately and expires December 31, 2005.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.A.4. CONSIDERATION OF EXTENDING THE LENGTH OF TIME FOR
THE PLANNING COMMISSION TO ACT ON REQUESTS FOR
SUBSTANTIAL ACCORD**

Mr. Jacobson stated the Planning Commission requested, at its October 21, 2003 meeting, that the Board grant the Commission up to an additional 45 days to review the substantial accord requests for three school sites. He further stated the Planning Commission has scheduled a public hearing for November 10, 2003 to review the substantial accord requests, and the 60-day deadline by law, subject to only amendment by the Board of Supervisors, ends on November 17, 2003. He stated the Planning Commission's regular meeting is scheduled for November 18, 2003.

Mr. Warren inquired whether it was explained to the Planning Commission that a delay could cause the projects to be eliminated from consideration by the School Board.

Mr. Jacobson stated the Planning Commission discussed the impact of delay upon the projects and the likelihood of construction during the wintertime.

When asked, Mr. Jacobson stated the Planning Commission added the item to its work session agenda, and neither Dr. Cannaday nor Ms. Kitchen was present for the discussion.

Mr. Warren requested that Dr. Cannaday come forward and provide details of the deadlines the School Board is facing with the PPEA funding schedule.

Dr. Cannaday stated Ms. Cynthia Owens-Bailey was present at the Planning Commission meeting, representing the Schools; however, she was unaware that arrangements had not been made for an extension of the offer between First Choice (the offerer of the private proposal for funding the new schools) and the Schools. He requested that the Planning Commission and Board not delay decisions on the substantial accord applications for the two new high school sites because the School Board has spent nearly 18 months developing a comprehensive plan to address growth and the high school proposal is part of that plan; the School Board believes its proposed plan demonstrates responsiveness to the current and future overcrowding at Clover Hill, Manchester and Midlothian High Schools; the PPEA proposal has options on both sites under consideration for substantial accord approval, and these options expire November 7, 2003, with an extension that the offerer is willing to seek until December 7, 2003, and willing sellers beyond this date are not guaranteed; the School Board will need ample time to discuss and adopt alternatives for addressing growth throughout the entire county if changes are required that will impact the Capital Improvement Plan; and a change in the plan for the new high schools will impact the boundary change process currently under way as well as other strategies.

When asked, Dr. Cannaday stated the Schools' Capital Improvement Program, which includes the proposed two new high schools, is scheduled for final approval by the School Board in December 2003, as a part of the budget process. He expressed concerns that a delay in acting upon the substantial accord requests would impact the guarantee that the school sites would still be available for purchase, and the cost of the sites could increase.

Mr. Miller expressed concerns that some of the Planning Commission members had requested information relative to the proposed sites, but were denied the information because it was proprietary and they were not entitled to it.

Dr. Cannaday stated the two sites approved by the School Board were a part of the First Choice proprietor information. He further stated, in discussions with Mr. Ramsey, it was their understanding that when potential sites are under consideration in a magisterial district, the Planning Commissioners from that district would have an opportunity to review them and raise questions if they have concerns, so that the developer can anticipate what other challenges might exist.

Mr. Miller stated, if the Planning Commission had access to the information earlier, they might have been able to

accelerate the substantial accord process and the issue would have been circumvented.

Dr. Cannaday stated the proposal is unsolicited, and land was not already agreed to. He further stated this is the first time a PPEA funding proposal has been before the Board for consideration. He stated PPEA funding has provided an option for the School Board to deal with growth at an accelerated rate. He further stated he and Mr. Ramsey received advice from counsel that the site information could not be made available unless the offerer made it available to others.

Mr. Ramsey stated the information was made available to the Planning Commission in early September, indicating that some of the Planning Commissioners declined a briefing.

Mr. Warren inquired whether the Planning Commission recognizes the seriousness of the deadline and the impact an extension will have on the future of the schools being built.

Dr. Cannaday stated he would have liked the opportunity to share the information with the Planning Commission before they made a decision to request an extension on the length of time to act on the substantial accord requests.

Mr. Warren stated it is important that the PPEA funding process work well because the county may want to use it again in the future.

Discussion ensued relative to challenges that would occur if the Planning Commission were to approve the substantial accord request for one of the high school sites and delay the other.

Dr. Cannaday stressed the importance of action being taken soon to enable the School Board to revisit its Capital Improvement Program, if necessary.

Mr. Barber stated he expressed concerns to Mr. Micas two months ago relative to time constraints with the substantial accord process. He further stated he was informed it would be illegal to share proprietary information with the Planning Commission, and he relayed that information to his Planning Commission member, Mr. Dan Gecker. He expressed concerns that, at the next Planning Commission meeting, two of the Commissioners had been provided briefings relative to the sites.

Discussion ensued relative to what could happen if the Planning Commission were to deny the substantial accord requests, and to the time schedule if an extension is not granted.

Mr. Barber expressed concerns relative to adjusting the current Public Facilities Plan, rather than bringing the new plan forward, before making a determination on the substantial accord requests. He also expressed concerns relative to expenditure of taxpayer dollars on mistakes that might be made if an extension is not granted to the Planning Commission for additional time to study the substantial accord requests.

Mr. Jacobson stated the Planning Commission will review a draft Public Facilities Plan, with input from school and county staff in the analysis, on October 27, 2003. He further stated Planning staff is reviewing the substantial accord applications based on the current Public Facilities Plan adopted by the Board in 1995.

When asked, Mr. Jacobson stated staff began revising the Public Facilities Plan approximately three-and-one-half to four years ago; however, the Planning Commission delayed the project until the Board adopted the Parks and Recreation Master Plan so that the critical elements of the Parks and Recreation Master Plan could be incorporated into the proposed Public Facilities Plan.

Mr. Miller expressed concerns relative to communication issues regarding the need to accelerate the new Public Facilities Plan.

Mrs. Humphrey inquired about differences between the 1995 Public Facilities Plan and the proposed new plan in terms of reviewing the substantial accord requests for two new high school sites.

Mr. Jacobson stated the current plan suggests that high schools should be located in areas close to where the students live, which would indicate a site further east in the county. He further stated other objectives, such as providing special programs and being located in the face of new growth to minimize the attendance boundary changes, would indicate school sites in the western portion of the county.

When asked, Mr. Jacobson stated Planning staff's analysis is that both of the two new proposed high school sites are in conformance with the current adopted Public Facilities Plan. He further stated staff's analysis under the proposed amended Public Facilities Plan would suggest that if Clover Hill High School is replaced with an existing high school in the general area, a second high school should generally be located in the more northeastern part of the county.

Dr. Cannaday stated there was no support at the community forums held for sharing one athletic facility by both high schools. He expressed concerns that new enrollment figures further exacerbate capacity challenges, indicating that regardless of the components of the proposed amended plan, enrollment figures still suggest that the needs for Clover Hill and overcrowding at Manchester as well as Midlothian High Schools should be addressed through a western high school site.

When asked, Dr. Cannaday stated the offerer has indicated he feels he can get an extension of the options to purchase property until December 7, 2003, but does not feel confident with an extension beyond that date. He further stated school staff has provided the Planning Commission with all the information requested to act upon the substantial accord requests in accordance with the proposed timeline.

Mr. Ramsey noted the Board of Supervisors must also hold a public hearing to consider a resolution authorizing the submittal of an application to the Virginia Public School Authority (VPSA), declaring the intent of the county to

reimburse itself from bond proceeds, and authorizing the issuance and sale of general obligation schools bonds to the VPSA.

Dr. Schroeder stated he feels the School Board, Board of Supervisors and Planning Commission all want to meet the 2006 target date for opening the new high schools. He further stated he would like to see all three groups in concurrence, and suggested that a joint meeting be scheduled as soon as possible to discuss obstacles in delaying the 2006 opening. He also suggested that Mr. Bob Mills also be present at the joint session representing First Choice.

Mr. Barber stated he supports Dr. Schroeder's suggestion for a joint meeting.

Mr. Warren stated the Planning Commission has indicated it would not have adequate time to complete its process if the Board were to deny an extension. He further stated the Board could call a special meeting prior to the December 7, 2003 deadline to finalize the issue.

Mrs. Humphrey suggested that the Board hold a special meeting on December 3, 2003 and indicated that she could support affording the Planning Commission an additional two weeks to act upon the requests for substantial accord.

When asked, Mr. Jacobson stated the Planning Commission's time period to act on the substantial accord requests ends on November 17, 2003, and any additional time granted by the Board would be counted from that date.

Mr. McHale suggested that the Board continue this discussion at its evening session to allow time for staff to develop a calendar of critical dates.

It was generally agreed that discussion be continued to the evening session.

Mr. Miller excused himself from the meeting.

8.B. CONSENT ITEMS

8.B.1. ADOPTION OF RESOLUTIONS

8.B.1.a. CONFIRMING PROCEEDINGS OF THE CHESTERFIELD COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, WHICH CONSIDERED THE APPLICATION OF BON SECOURS-ST. FRANCIS MEDICAL CENTER, INCORPORATED, WITH FACILITIES TO BE LOCATED IN CHESTERFIELD COUNTY, VIRGINIA, WHICH IS A VIRGINIA NONSTOCK, NONPROFIT CORPORATION AND AN ORGANIZATION DESCRIBED UNDER SECTION 501(C)(3)

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

RESOLUTION APPROVING OF ISSUANCE OF BONDS BY THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF
CHESTERFIELD FOR THE BENEFIT OF BON SECOURS-ST.
FRANCIS MEDICAL CENTER, INC.

WHEREAS, Bon Secours-St. Francis Medical Center, Inc. (the "Hospital"), a Virginia nonstock, nonprofit corporation affiliated with Bon Secours Health System, Inc., a Maryland nonstock, nonprofit corporation ("BSHSI"), has facilities located in the County of Chesterfield, Virginia; and

WHEREAS, the Industrial Development Authority of the County of Chesterfield (the "Authority"), on September 23, 2003, adopted an inducement resolution (the "Inducement Resolution") wherein the Authority has agreed to issue not to exceed \$80,000,000 in aggregate principal amount, excluding any original issue discount, of its Revenue Bonds, Series 2003 (Bon Secours-St. Francis Medical Center, Inc.) (the "Bonds"), for the benefit of the Hospital to: (i) refund the \$61,400,000 Industrial Development Authority of the County of Chesterfield (Virginia) Revenue Bonds, Series 2000 (Bon Secours Health System, Inc.) (the "Prior Bonds"), (ii) pay or reimburse the Hospital for the costs of acquiring, constructing and equipping an acute care hospital facility and related facilities (the "Project"), (iii) provide working capital for the Hospital, (iv) pay a portion of the interest on the Series 2003 Bonds and (v) pay certain costs incurred in connection with the issuance of the Series 2003 Bonds; and

WHEREAS, the Bonds will be issued pursuant to the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and will be limited obligations of the Authority payable solely from the revenues and receipts derived from payments provided by the Hospital; and

WHEREAS, on September 23, 2003, and on October 16, 2003, pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Authority held public hearings concerning the proposed issuance of the Bonds; and

WHEREAS, the Authority has recommended and requested that the Board of County Supervisors (the "Board") of Chesterfield County, Virginia (the "County") approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS, copies of the following documents have been filed with the Board: (i) the Inducement Resolution; (ii) notice of public hearing published once a week for two consecutive weeks; (iii) a summary of the proceedings of the public hearing; and (iv) the fiscal impact statement of the Hospital.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Chesterfield County, Virginia:

1. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of the Hospital, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to assist in the financing of certain medical facilities of the Hospital and the refunding of the Series 2000 Bonds.

2. Approval of the issuance of the Bonds as required by Section 147(f) of the Code does not constitute an endorsement of the Bonds or the creditworthiness of the Hospital and, as required by Section 15.2-4908 of the Act,

the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

3. The Board hereby authorizes and directs the Clerk of the Board to forward a certified copy of this resolution to the Authority.

4. This resolution shall take effect immediately upon its adoption.

Ayes: Warren, McHale, Barber and Humphrey.

Nays: None.

Absent: Miller.

**8.B.1.b. RECOGNIZING MR. RICHARD JOSEPH CONROY, IV UPON
ATTAINING THE RANK OF EAGLE SCOUT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Richard Joseph Conroy, IV, Troop 876, sponsored by Mount Pisgah United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Richie has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, recognizes Mr. Richard Joseph Conroy, IV, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber and Humphrey.

Nays: None.

Absent: Miller.

8.B.1.d. RECOGNIZING DRUG AND ALCOHOL ABUSE TASK FORCE
MEMBER MR. ART SEMON FOR HIS SERVICE

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the Chesterfield County Drug and Alcohol Abuse Task Force was formed to address concerns about alcohol and drug abuse in our community and to recommend the most effective approaches to address substance abuse issues; and

WHEREAS, the task force gathered a wealth of information by conducting an assessment of the community's resources, holding public hearings, commissioning a comprehensive study of the county's substance abuse treatment system, commissioning a comprehensive study of the county's substance abuse prevention efforts, and interviewing middle and high school administrators, guidance counselors and school resource officers; and

WHEREAS, the task force has completed its work and provided a final report and recommendations to the Board of Supervisors; and

WHEREAS, the work of the task force could not have been accomplished without the dedication of citizens of our community who volunteered their time to address this important issue; and

WHEREAS, Mr. Art Semon has served as a representative of the Clover Hill District since 2001; and

WHEREAS, Mr. Semon has been a faithful and dedicated member of the task force.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes and thanks Mr. Art Semon for his concern for the well-being of his community and his commitment and service on the Drug and Alcohol Abuse Task Force.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.2. STATE ROAD ACCEPTANCE

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Stonewood Manor, Sec. 1**

● **Hickory Circle, State Route Number: 5605**

From: Hickory Rd., (Rt. 628)

To: Cul-de-sac, a distance of: 0.02 miles.

Right-of-way record was filed on 3/1/1990 with the Office Of Clerk To Circuit Court in Pb.70; Pg. 5, with a width of 50 Ft.

● **Hickory Branch Drive, State Route Number: 5603**

From: Stonewood Manor Dr., (Rt. 5602)

To: 0.17 Mi. W of Stonewood Manor Dr., (Rt. 5602), a distance of: 0.17 miles.

Right-of-way record was filed on 3/1/1990 with the Office Of Clerk To Circuit Court in Pb.70; Pg. 5, with a width of 50 Ft.

● **Hickory Branch Drive, State Route Number: 5603**

From: Stonewood Manor Dr., (Rt. 5602)

To: Old Towne Creek Dr., (Rt. 5604), a distance of: 0.19 miles.

Right-of-way record was filed on 3/1/1990 with the Office Of Clerk To Circuit Court in Pb.70; Pg. 5, with a width of 50 Ft.

● **Hickory Branch Drive, State Route Number: 5603**

From: Old Towne Creek Dr., (Rt. 5604)

To: .04 Mi. N of Old Towne Creek Dr., (Rt. 5604), a distance of: 0.04 miles.

Right-of-way record was filed on 3/1/1990 with the Office Of Clerk To Circuit Court in Pb.70; Pg. 5, with a width of 50 Ft.

● **Old Towne Creek Drive, State Route Number: 5604**

From: Hickory Branch Dr., (Rt. 5603)

To: .02 Mi. E of Hickory Branch Dr., (Rt. 5603), a distance of: 0.02 miles.

Right-of-way record was filed on 3/1/1990 with the Office Of Clerk To Circuit Court in Pb.70; Pg. 5, with a width of 50 Ft.

● **Stonewood Manor Drive, State Route Number: 5602**

From: Hickory Rd., (Rt. 628)

To: Hickory Branch Dr., (Rt. 5603), a distance of: 0.11 miles.

Right-of-way record was filed on 3/1/1990 with the Office Of Clerk To Circuit Court in Pb.70; Pg. 5, with a width of 50 Ft.

● **Stonewood Manor Drive, State Route Number: 5602**

From: Hickory Branch Dr., (Rt. 5603)

To: 0.16 Mi. N of Hickory Branch Dr., (Rt. 5603), a distance of: 0.16 miles.

Right-of-way record was filed on 3/1/1990 with the Office Of Clerk To Circuit Court in Pb.70; Pg. 5, with a width of 50 Ft.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.3. SET DATES FOR PUBLIC HEARINGS

8.B.3.a. TO CONSIDER REVISIONS TO THE FY2004 SCHOOL CAPITAL IMPROVEMENT FUND APPROPRIATIONS

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public hearing to consider increasing appropriations in the School Capital Improvements Fund by \$103,894,000.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.3.b. TO CONSIDER ADOPTION OF A RESOLUTION WHICH AUTHORIZES THE COUNTY ADMINISTRATOR TO SUBMIT AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA), DECLARES THE OFFICIAL INTENT OF THE COUNTY TO REIMBURSE ITSELF FROM BOND PROCEEDS, AND AUTHORIZES THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL BONDS TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public hearing to consider adoption of a resolution authorizing the County Administrator to submit an application to the Virginia Public School Authority (VPSA), declaring the official intent of the county to reimburse itself from bond proceeds, and authorizing the issuance and sale of general obligation school bonds to the VPSA in an aggregate principal amount not to exceed \$116,905,000.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.3.c. TO CONSIDER THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public hearing to consider the receipt and appropriation of \$771,302 in grant funds from the United States Department of Justice to replace the command van for the Chesterfield Fire and Emergency Medical Services (EMS) and the Police Departments and a hazardous materials van for the Chesterfield Fire and EMS Department.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.4. REQUEST TO QUITCLAIM PORTIONS OF SIXTEEN-FOOT WATER EASEMENTS ACROSS THE PROPERTIES OF SELECTED INVESTMENT HOLDINGS, L.L.C. AND KATHERMAN INVESTMENTS, INCORPORATED

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute quitclaim deeds to vacate portions of 16-foot water easements across the properties of Selected Investment Holdings, L.L.C. and Katherman Investments, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.5. APPROVAL OF THE RECEIPT OF GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Fire and Emergency Medical Services Department, Office of Emergency Management, to receive and appropriate \$98,578 in grant funds from the United States Department of Justice for terrorism related equipment. (It is noted no local match is required.)

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.6. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.6.a. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE PLAYGROUND EQUIPMENT FOR O. B. GATES ELEMENTARY SCHOOL

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$10,000 from the Dale District Improvement Fund to the Parks and Recreation Department to purchase playground equipment for O. B. Gates Elementary School.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.6.b. FROM THE BERMUDA, CLOVER HILL, DALE, MATOACA, AND
MIDLOTHIAN DISTRICT IMPROVEMENT FUNDS TO THE
CHESTERFIELD COUNTY TRIAD PROGRAM

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$328 each from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (total of \$1,640) to the Chesterfield County TRIAD Program.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

8.B.6.c. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE
VIRGINIA STATE UNIVERSITY SCHOLARSHIP PROGRAM

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$2,000 from the Matoaca District Improvement Fund to the Virginia State University Scholarship Program.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board accepted the following reports:

A report on Developer Water and Sewer Contracts; and a status report on the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the Board accepted the following roads into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>FOX FIRE, SECTION 1</u> Effective 9/22/03	
Fox Light Parkway (Route 5534)- From 0.42 mile west of Woolridge Road (Route 668) to Fox Marsh Drive (Route 5549)	0.08 Mi.
Fox Light Parkway (Route 5534) - From Woolridge Road (Route 668) to 0.42 mile west of Woolridge Road (Route 668)	0.42 Mi.
Fox Light Parkway (Route 5534) - From Fox Marsh Drive (Route 5549) to Cul-de-sac	0.11 Mi.

Fox Marsh Court (Route 5551) - From Fox Marsh Drive (Route 5549) to Cul-de-sac	0.06 Mi.
Fox Marsh Drive (Route 5549) - From Fox Marsh Place (Route 5550) to Fox Marsh Court (Route 5551)	0.08 Mi.
Fox Marsh Drive (Route 5549) - From Woolridge Road (Route 668) to Fox Marsh Place (Route 5550)	0.11 Mi.
Fox Marsh Drive (Route 5549) - From Fox Marsh Court (Route 5551) to Cul-de-sac	0.13 Mi.
Fox Marsh Place (Route 5550) - From Fox Marsh Drive (Route 5549) to Cul-de-sac	0.13 Mi.

HARROWGATE PLACE, SECTION 2; SOMERSET, SECTION 9
Effective 9/22/03

Dogwood Avenue (Route 873) - From Sandwave Road (Route 1181) to 0.02 mile east of Sandwave Road (Route 1181)	0.02 Mi.
North Light Drive (Route 3465) - From Sandwave Road (Route 1181) to 0.02 mile east of Sandwave Road (Route 1181)	0.02 Mi.
Sandwave Road (Route 1181) - From Tanner Slip Circle (Route 5556) to 0.05 mile east of Tanner Slip Circle (Route 5556)	0.05 Mi.
Sandwave Road (Route 1181) - From North Light Drive (Route 3465) to Tanner Slip Circle (Route 5556)	0.03 Mi.
Sandwave Road (Route 1181) - From 0.03 mile south of Dogwood Avenue (Route 874) and Route 3819 to North Light Drive (Route 3465)	0.03 Mi.
Tanner Slip Circle (Route 5556) - From Sandwave Road (Route 1181) to 0.33 mile east of Sandwave Road (Route 1181)	0.33 Mi.

ST. JAMES WOODS, SECTION J
Effective 9/22/03

Lomond Drive (Route 5561) - From Nevis Drive (Route 6069) to Cul-de-sac	0.15 Mi.
Nevis Drive (Route 6069) - From Lomond Drive (Route 5561) to Cul-de-sac	0.10 Mi.
Nevis Drive (Route 6069) - From 0.21 mile east of Explorer Drive (Route 3998) to Lomond Drive (Route 5561)	0.05 Mi.

STONEY GLEN SOUTH, SECTION 1
Effective 9/22/03

Baltustrol Avenue (Route 5393) - From Dampier Drive (Route 5397) to 0.01 mile east of Dampier Drive (Route 5397)	0.01 Mi.
--	----------

Baltustrol Avenue (Route 5393) - From Branders Bridge Road (Route 625) to Beachmere Drive (Route 5394)	0.05 Mi.
Baltustrol Avenue (Route 5393) - From Beachmere Drive (Route 5394) to Dampier Drive (Route 5397)	0.06 Mi.
Beachmere Court (Route 5395) - From Beachmere Drive (Route 5394) to Cul-de-sac	0.05 Mi.
Beachmere Drive (Route 5394) - From Beachmere Terrace (Route 5396) to Cul-de-sac	0.23 Mi.
Beachmere Drive (Route 5394) - From Beachmere Court (Route 5395) to Beachmere Terrace (Route 5396)	0.04 Mi.
Beachmere Drive (Route 5394) - From Baltustrol Avenue (Route 5393) to Beachmere Court (Route 5395)	0.11 Mi.
Beachmere Terrace (Route 5396) - From Beachmere Drive (Route 5394) to 0.03 mile west of Beachmere Drive (Route 5394)	0.03 Mi.
Dampier Drive (Route 5397) - From Baltustrol Avenue (Route 5393) to 0.08 mile south of Baltustrol Avenue (Route 5393)	0.08 Mi.

WARFIELD ESTATES, SECTION E
Effective 9/22/03

Warfield Estates Drive (Route 4454) - From 0.05 mile east of Warfield Estates Terrace (Route 4456) to Warfield Estates Place (Route 5376)	0.01 Mi.
Warfield Estates Drive (Route 4454) - From Warfield Estates Place (Route 5376) to Cul-de-sac	0.18 Mi.
Warfield Estates Place (Route 5376) - From Warfield Estates Drive (Route 4454) to Cul-de-sac	0.08 Mi.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

11. DINNER

On motion of Mr. Barber, seconded by Mr. McHale, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

Reconvening:

Mr. Miller returned to the meeting.

12. INVOCATION

Reverend James Carey, Jr., Pastor of Bethia United Methodist Church gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Retired U.S. Marine Corps Major Don Kappel led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING 100 YEARS OF CONTINUOUS LIBRARY SERVICE IN CHESTERFIELD COUNTY

Mr. Hammer introduced Ms. Beverly Bagan, long time member, Bon Air Friends of the Library; Ms. Kathryn Geranios, President, Chesterfield County Friends of the Library; Mr. Mike Uzel, Treasurer, Chester Friends of the Library; Mr. Mike Mabe, Library Director; Mr. Robert Wagenknecht, former Library Director; and Ms. Carolyn Dunaway, 35-year Library employee, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, public library service in Chesterfield County was first provided by the Hazen Library in Bon Air in October 1903; and

WHEREAS, library service was also provided by the Chester community beginning in 1935 at the Chester Library; and

WHEREAS, the Board of Supervisors established in 1967 the Chesterfield County Public Library to meet community demand for quality service to all residents in all areas of Chesterfield County; and

WHEREAS, this service is now delivered through eight branch libraries, a central library, law library and outreach services department; and

WHEREAS, the mission of the Chesterfield County Public Library is to inspire, enlighten, educate and entertain by bringing people and information services and resources together; and

WHEREAS, the Chesterfield County Public Library is recognized by the community as a popular and dynamic county agency where trained professionals proactively assist customers in identifying, evaluating and accessing information resources essential to the process of personal learning and self-discovery; and

WHEREAS, the Chesterfield County Public Library has been listed two years in a row on the Hennen American Public Library ranking system in the top ten of libraries serving populations of 250,000 to 499,000 with a 2003 ranking of fifth; and

WHEREAS, the Chesterfield County Public Library has been a high performing public library annually circulating more than 4 million items, answering more than 336,000 questions, and welcoming more than 1.7 million visitors; and

WHEREAS, the Chesterfield County Public Library has achieved this outstanding performance status due to the energy, effort and vision of scores of skilled professionals, paraprofessionals, clerical staff and administrators through the years; and

WHEREAS, the Chesterfield County Public Library could not survive without the continued support of the county residents, the County Administrator, the Board of Supervisors and the Friends of the Chesterfield County Public Library; and

WHEREAS, the Chesterfield County Public Library foresees a bright future for the next 100 years.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes this outstanding milestone and achievement in Chesterfield County Government and Chesterfield County Public Library history with congratulations and best wishes for an outstanding second hundred years.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented executed resolutions to Mr. Mabe and Dr. Wagenknecht, expressed appreciation for the exemplary service provided by the libraries, and congratulated them on the 100th anniversary milestone.

Mr. Mabe expressed appreciation to the Board for its support of library service in Chesterfield County.

**14.B. RECOGNIZING PRE CON INC. FOR ITS COMMITMENT TO
EMPLOYEE HEALTH AND SAFETY**

Mr. Kappel introduced Mr. Mark Wauford, Vice President; Mr. Jeff Siffert, General Manager; and Mr. Fred Hunt, Safety Manager of Pre Con Inc., who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Pre Con Inc. was established in 1976; and

WHEREAS, the company's Plant 3 operation manufactures technically engineered fabrics and composites sold by Xymid, LLC; and

WHEREAS, these fabrics are used in home furnishings, chemical protective garments, apparel and composites; and

WHEREAS, Plant 3 employs approximately 50 people, and has worked more than one year without an injury; and

WHEREAS, on July 15, 2003, the plant qualified for the Virginia Occupational Safety and Health Safety and Health Achievement Recognition Program (SHARP); and

WHEREAS, the SHARP program was developed by VOSH to provide support and guidance to smaller, high-hazard employers who work with their employees to develop, implement and continually improve their safety and health programs; and

WHEREAS, Plant 3 is one of only four companies in Virginia to qualify for the SHARP program this year, and is one of a select few companies in the history of the program to achieve qualification following its initial audit; and

WHEREAS, the plant scored in the highest percentile of the qualified companies in the SHARP program.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes Pre Con Inc. for its commitment to employee health and safety, congratulates the company on earning the SHARP award, and wishes Pre Con Inc. continued success in the marketplace.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Mr. Wauford, accompanied by Mr. Siffert and Mr. Hunt, and commended Pre Con Inc. for its commitment to employee health and safety.

Mr. Wauford expressed appreciation to the Board for the recognition.

14.C. RECOGNIZING MS. NANCY H. CRENSHAW ON HER NOMINATION AS VIRGINIA TEACHER OF THE YEAR

Mr. Kappel introduced Ms. Nancy Crenshaw who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ms. Nancy H. Crenshaw is a teacher at Clover Hill Elementary School, where she teaches music to students in Kindergarten through fifth grade; and

WHEREAS, Ms. Crenshaw has been nominated by her principal as Virginia Teacher of the Year; and

WHEREAS, Ms. Crenshaw has been a teacher for 19 years, and has been at Clover Hill Elementary School for 14 years; and

WHEREAS, Ms. Crenshaw graduated from Longwood College in 1973 with a B.M.ED degree, and since that time has completed numerous additional professional training programs; and

WHEREAS, Ms. Crenshaw has also taught music at the A.M. Davis, Grange Hall, J. B. Watkins and Crestwood schools, along with the Bon View Pre-School; and

WHEREAS, Ms. Crenshaw was Clover Hill Elementary School's Teacher of the Year in 1995 and again in 2003; and

WHEREAS, Ms. Crenshaw is a member of the Alpha Delta Kappa International Honorary Sorority for Women Educators; and

WHEREAS, Ms. Crenshaw has been guided by the Chinese Proverb that says, "I hear, and I forget; I see, and I remember; I do, and I understand"; and

WHEREAS, Ms. Crenshaw's commitment to music and to the young people of Chesterfield County is exemplary; and

WHEREAS, Ms. Crenshaw has been commended by her principal, Ms. Dianne H. Smith, for her "energy, enthusiasm and love for the teaching profession"; and

WHEREAS, such outstanding service as an educator is deserving of appropriate recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes the superior service of Ms. Nancy H. Crenshaw, congratulates her on her nomination as Virginia Teacher of the Year, extends, on behalf of the citizens of Chesterfield County, its appreciation for her sustained commitment to educating our young citizens, and wishes her continued success in all her endeavors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Crenshaw, accompanied by Ms. Amy Boshier, Principal of Clover Hill Elementary School, Mr. Mike Crusco, Assistant Principal, and Dr. Cannaday, and congratulated her on her outstanding accomplishments.

Ms. Crenshaw stated she is honored to be selected as Chesterfield County's Teacher of the Year.

Ms. Boshier stated every child sings at Clover Hill High School because of their interaction with Ms. Crenshaw.

Mr. Crusco stated it is a pleasure to work with a teacher who truly inspires children like Ms. Crenshaw.

Dr. Cannaday stated Ms. Crenshaw represents Chesterfield's finest, and it is a privilege to have her as a teacher in the county.

14.D. RECOGNIZING CLOVER HILL ELEMENTARY FOR ITS OUTSTANDING ACCOMPLISHMENTS

Mr. Kappel introduced Ms. Amy Boshier, Principal of Clover Hill Elementary School, and Mr. Mike Crusco, Assistant Principal, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Blue Ribbon Schools Program was established at the federal level in 1982 to spotlight the country's most successful schools; and

WHEREAS; the U. S. Department of Education has designated six Virginia public elementary schools as "2003 No Child Left Behind Blue Ribbon Schools"; and

WHEREAS, Clover Hill Elementary School is one of the four Virginia schools so designated; and

WHEREAS, students from Clover Hill Elementary School score in the top ten percent on state assessments; and

WHEREAS, the school is fully accredited under Virginia's achievement-based accountability system; and

WHEREAS, Clover Hill Elementary School also met the complex federal definition for Adequate Yearly Progress (AYP) under the "No Child Left Behind Act of 2001 (NCLB)"; and

WHEREAS, this exemplary achievement demonstrates an extraordinary commitment to our young people by all those associated with Clover Hill Elementary School; and

WHEREAS, such dedication and achievement are deserving of appropriate public recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of October 2003, publicly recognizes the outstanding achievement of Clover Hill Elementary School in being named a Blue Ribbon School, commends all those involved in accomplishing this noteworthy achievement for their work on behalf of our county's young people, and wishes Clover Hill Elementary School continued success as it helps to prepare our young citizens for their role in the future of our county, state and nation.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Warren presented the executed resolution to Ms. Boshier, accompanied by Mr. Crusco and Ms. Nancy Crenshaw, congratulated Clover Hill Elementary on its tremendous accomplishments, and wished the faculty and students future success.

Ms. Boshier expressed appreciation to the Board for the recognition, on behalf of the staff, teachers, students and parents, and also expressed appreciation to former principal Ms. Dianne Smith for her efforts in achieving this accomplishment.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

03SN0315

In Clover Hill Magisterial District, WILLIAM SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) with Conditional

Use to permit outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 35.6 acres fronting approximately 550 feet on the south line of Genito Road, approximately 600 feet east of Warbro Road and also fronting approximately 1,900 feet on the east line of Warbro Road, approximately 1,700 feet south of Genito Road. Tax IDs 736-686-8635 and 736-687-8633 (Sheet 10).

Mr. Jacobson stated Mr. Warren has requested deferral of Case 03SN0315 until November 25, 2003.

Ms. Kristen Keatley, representing the applicant, stated the deferral is acceptable.

Mr. Warren called for public comment.

Mrs. G. M. Jordan, a resident of Duck River Road, stated she supports the deferral because it will give residents of Plum Creek, South Ridge and Beaver Point an opportunity to receive additional information regarding the proposed development.

No one else came forward to speak to the deferral.

Mr. Warren made a motion, seconded by Mr. Miller, for the Board to defer Case 03SN0315 until November 25, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Warren requested that Mr. Jacobson arrange a meeting for the applicant and staff to discuss the proposed development with the residents of Plum Creek and the other neighborhoods mentioned by Mrs. Jordan.

04SR0126

In Bermuda Magisterial District, CATHERINE S. SHUMAKER requests renewal of manufactured home permit 96SR0103 to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately ten (10) units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 4 units per acre. This property is known as 10041 Beaumont Avenue. Tax ID 793-666-2806 (Sheet 18).

Mr. Jacobson presented a summary of Case 04SR0126 and stated staff recommends approval subject to conditions.

Ms. Catherine Shumaker stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved Case 04SR0126 for seven years subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.

2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0314

In Dale Magisterial District, BTC PARTNERS requests amendment to Conditional Use Planned Development (Case 82S096) and amendment of zoning district map relative to building materials, architectural treatment and occupancy permits in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 16.8 acres fronting approximately 25 feet on the west line of Courthouse Road, approximately 1,300 feet north of Harley Drive. Tax IDs 748-684-Part of 6404 and 749-684-0431 and 4251 (Sheet 10).

Mr. Jacobson presented a summary of Case 03SN0314 and stated the Planning Commission recommended approval subject to the condition and acceptance of the proffered condition.

Mr. Pat Lamberti, accompanied by Mr. Anthony Bertozzi, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved Case 03SN0314 subject to the following condition:

All public roads shall have a pavement width not less than forty (40) feet, face of curb to face of curb. These roads shall be constructed to Virginia Department of Highways and Transportation's specifications and taken into the State system. (EE)

(NOTE: This condition supersedes Condition 6 of Case 82S096.)

And, further, the Board accepted the following proffered condition:

The exterior treatment of all dwelling units shall be limited to cedar siding, hardboard siding, vinyl siding, Hardy Plank siding or brick, or a combination of such materials. At the

time of tentative subdivision plan review, alternative exterior treatments of equal or improved quality and durability, as determined by the Planning Commission, may be substituted provided such materials do not substantively alter the original design, character or appearance of the dwelling units. (P)

(NOTE: This proffered condition supersedes Proffered Condition 6 of Case 82S096.)

(NOTE: With the exception of Condition 6 and Proffered Condition 6 which are amended herein, and the deletion of Proffered Condition 3, all previous conditions and proffered conditions of Case 82S096 shall remain in effect.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey expressed sympathy to Mr. Bertozzi on the recent death of his father.

04SN0108

In Matoaca Magisterial District, THE CHESDIN COMPANY, L.L.C. AND FIVE FORKS CORPORATION request rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-25) to Residential (R-88) with Conditional Use to allow private recreational facilities on 5.0 acres of the 468.5 acre site. Residential use of up to 0.5 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots, suited to R-88 zoning. This request lies on 468.5 acres fronting approximately 700 feet on the south line of Ivey Mill Road, approximately 400 feet east of Chesdin Landing Drive. Tax IDs 741-625-Part of 0241; 741-627-1721; 742-624-9671; and 745-622-Part of 6373 (Sheet 39).

Mr. Jacobson presented a summary of Case 04SN0108 and stated the Planning Commission and staff recommends approval and acceptance of the proffered conditions. He noted the request conforms to the Southern and Western Area Plan.

Ms. Ashley Harwell, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 04SN0108 and accepted the following proffered conditions:

The Applicants (the "Applicants") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 741-625-0241 (part), 741-627-1721, 742-624-9671 and 745-622-6373 (part) (the "Property") under consideration will be developed according to the following

conditions if, and only if, the rezoning request for R-88 with Conditional Use is granted. In the event the request is denied or approved with conditions not agreed to by the Applicants, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department. (EE)
2. Number of Lots. No more than 149 single family residential lots shall be developed on the Property. (P)
3. Manufactured Homes. Manufactured homes shall not be permitted on the Property. (P)
4. Covenant Regarding Manufactured Homes. The following shall be recorded as restrictive covenants in conjunction with recordation of any subdivision plat for the Property: "No manufactured homes shall be allowed to become a residence, temporary or permanent." (P)
5. Cash Proffer. For each single family residential dwelling unit developed on Tax IDs 741-625-0241 (part), 741-627-1721 and 742-624-9671, and for each single family dwelling unit developed in excess of 20 on or bisected by the southern (and/or) western boundary of Tax ID 745-622-6373 (part), the applicant, subdivider, or assignee(s) shall pay \$9,000.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2003. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$9,000.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County. (B&M)
6. Dedication of Right-of-Way. In conjunction with recordation of the initial subdivision plat, thirty-five (35) feet of right-of-way along the south side of Ivey Mill Road, measured from the centerline of that part of Ivey Mill Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

7. Access. Direct access from the Property to Ivey Mill Road shall be limited to no more than one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
8. Road Improvements. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - a. If direct access is provided to the Property from Ivey Mill Road, construction of additional pavement along Ivey Mill Road at the approved access to provide left and right turn lanes, based on Transportation Department standards.
 - b. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
9. Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)
10. Private Recreation Facilities. Private recreation facilities shall be permitted on up to five (5) acres within the Property, subject to the following requirements:
 - a. Development of private recreational facilities on the Property shall be limited to indoor/outdoor recreational uses only such as club houses, a private boat launch facility, swimming pools, tennis or other court facilities, playfield and associated recreational facilities.
 - b. A fifty (50) foot buffer shall be provided along the non-waterfront perimeter of all active recreational facilities, including but not limited to boat launches, except where adjacent to any existing or proposed road. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - c. Boat launches, outdoor playfields, courts, swimming pools and similar active recreational areas shall be set back a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent the development of any indoor facilities and/or parking within the 100 foot setback. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

It was generally agreed that the Board would continue its discussion on the following item at this time:

**8.A.4. CONSIDERATION OF EXTENDING THE LENGTH OF TIME FOR
THE PLANNING COMMISSION TO ACT ON REQUESTS FOR
SUBSTANTIAL ACCORD**

Mr. Ramsey provided details of the proposed approval schedule for the new school contract. He stated staff recommends that

the Board hold its public hearing on November 12, 2003 relative to the Virginia Public School Authority issue, but defer any action until December 3, 2003, at which time the Board will also resolve the substantial accord issue, if necessary. He further stated staff has suggested that the deadline for the Planning Commission to make a decision on the substantial accord requests be extended from November 17, 2003 until December 1, 2003.

Mr. Barber expressed concerns that there is a lot to accomplish in a short amount of time. He stated he is not convinced that December 7th is the deadline for the options to purchase the proposed school sites, and inquired how much additional time could be used for analysis of the substantial accord requests before the opening date of the proposed schools would be jeopardized.

Dr. Cannaday said the proposal includes a 30-month construction timetable, thus approval in December would provide for school opening during the summer of 2006, if everything goes as scheduled. He further stated delaying the approval beyond December and the possibility of bad weather could jeopardize opening the schools in the fall of 2006.

When asked, Dr. Cannaday stated Mr. Bob Mills has indicated that one of the property owners is resistant to extending the purchase option beyond December 7, 2003.

Mr. Barber stated he would prefer to give the Planning Commission additional time to consider the substantial accord requests, and expressed concerns that if the Planning Commission makes a recommendation that a site is not in substantial accord, he would probably concur with the Planning Commission.

Mr. Miller stated he concurs with Mr. Barber, and stressed the importance of allowing sufficient time for the Planning Commission to consider important issues such as this. He further stated he feels it is reasonable to grant the Planning Commission a 30-day extension and also feels they would consider the substantial accord requests at an accelerated rate. He stated he does not feel a problem would exist in extending the purchase option beyond December 7, 2003, if necessary.

Discussion ensued relative to the possibility of an increase in the cost of the property if the option had to be extended beyond December 7th.

Mrs. Humphrey stated the objective of the PPEA funding was to lower the cost of school construction as well as provide for new schools at an accelerated rate. She further stated the Planning Commission's request for a 45-day extension interrupts the entire process, and ultimately could result in increased costs.

Mr. McHale expressed concerns that the PPEA process has been rushed, and he feels the issue should have received public input through a referendum. He stated he does not like the timeline presented by staff because he feels the process is being rushed; however, he feels the proposal deserves a vote prior to the option expiring based on the best information available.

Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to extend the length of time that the Planning Commission has to act on Substantial Accord requests for three school sites (Cases 04PD0158, 04PD0163 and 04PD0188) until December 1, 2003, according to the Proposed Approval Schedule for New School Contract developed by staff.

Mr. Warren seconded Mrs. Humphrey's motion. He noted circumstances could arise that might necessitate a change in the proposed schedule.

Mr. Barber offered an amendment to the motion to request that school staff seek an extension of the options for purchasing the proposed school sites.

Both Mrs. Humphrey and Mr. Warren accepted the amendment offered by Mr. Barber.

Mr. McHale stated he spoke with Mr. Phil Cunningham, Bermuda District Planning Commissioner during the Board's dinner break, and was assured that Mr. Cunningham thought it was possible for the Planning Commission to act upon the substantial accord requests by early December.

Mr. Miller stated he spoke with Mr. Sherman Litton, Dale District Planning Commissioner, who indicated he feels the Commission would need additional time beyond December 1st.

Mr. Warren called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to extend the length of time that the Planning Commission has to act on Substantial Accord requests for three school sites (Cases 04PD0158, 04PD0163 and 04PD0188) until December 1, 2003, according to the Proposed Approval Schedule for New School Contract developed by staff.

And, further, the Board requested that school staff seek an extension of the options for purchasing the proposed school sites.

Ayes: Barber, Humphrey, McHale, Warren
Nays: Miller

Mr. Warren requested that Mr. Ramsey and Dr. Cannaday arrange for a joint meeting between members of the School Board, Planning Commission and Board of Supervisors, as suggested by Dr. Schroeder, to discuss the PPEA process and the objective of building the proposed schools within an acceptable timeframe.

16. PUBLIC HEARINGS

O TO CONSIDER RE-ADOPTION OF APPROPRIATION AND TRANSFER OF FUNDS FOR THE NEIGHBORHOOD DEBRIS PICK-UP PROGRAM USING GRUBBS EMERGENCY SERVICES, L.L.C.

Mr. Stegmaier stated this date and time has been advertised for a public hearing to consider re-adoption of the appropriation and transfer of funds for the neighborhood debris pick-up program using Grubbs Emergency Services, L.L.C.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board re-adopted appropriation of the following funds for the neighborhood debris pick-up program using Grubbs Emergency Services, L.L.C.: \$3,000,000 in reimbursement from FEMA (75 percent of the cost); and \$500,000 from the Risk Management Fund.

And, further, the Board re-adopted the transfer of \$1,000,000 from the reserve for future capital improvement projects to the neighborhood debris pick-up program.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

03SN0246

In Midlothian Magisterial District, WAL-MART STORES EAST, L.P. requests rezoning and amendment of zoning district map from Agricultural (A), Corporate Office (O-2) and Community Business (C-3) to Community Business (C-3) and Light Industrial (I-1) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use, planned transition area and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 56.9 acres fronting in two (2) places for approximately 1,000 feet on the north line of Midlothian Turnpike west of Walmart Way, fronting the east line of Walmart Way approximately 430 feet north of Midlothian Turnpike, also fronting approximately 1,750 feet on the south line of Old Buckingham Road approximately 300 feet west of Olde Coalmine Road. Tax IDs 734-709-6871, 8509 and 8833; 735-708-1144; 735-709-0665; 735-710-0007, 3714 and 7620; and 736-708-Part of 1856 (Sheet 6).

Ms. Rogers presented a summary of Case 03SN0246 and stated additional modifications have been received to Proffered Conditions 1 and 2, which will further restrict the uses permitted in both the I-1 and C-3 districts. She further stated Proffered Conditions 9 and 12 have also been amended to increase the width of the tree preservation strip along Old Buckingham Road from 30 to 40 feet, and to address phasing of a proposed internal loop roadway. She stated staff recommended denial because the proposed zoning and land use do not conform with the Midlothian Area Community Plan and the Northern Area Plan which suggest that the northern and eastern portions of the property are appropriate for residential development, while the western portion of the property is appropriate for office, medium density housing, personal services and community facilities. She further stated that both staff and the Planning Commission have agreed that this case, coupled with the pending Cases 03SN0284 (Poseidon Swimming) and 03SN0315 (William Sowers), accomplishes appropriate land use transition while zoning and

planning for the development of most of the remaining vacant property lying between Route 60 and Old Buckingham Road. She stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proposal would minimize the traffic impact on Old Buckingham Road by providing an internal road network system which accesses Route 60. She further stated staff recommends, if the Board wishes to approve the proposal, additional buffering should be provided adjacent to Old Buckingham Road in the residential development to the north as well as the agricultural property to the east.

Mr. Ed Kidd, representing the applicant, stated the applicant has worked with community groups and individual citizens to address their concerns, and the Midlothian Development Committee, Village of Midlothian Volunteer Coalition and the majority of area residents now support the proposed development. He further stated the proffered conditions address the impact of the proposed development, and approval of the request will provide improved and expanded services to the community. He stated the expanded scope of the request, together with the Sowers and Poseidon cases, is consistent with good planning, and indicated that the Planning Commission's recommendation is acceptable.

Mr. Warren called for public comment.

Mr. Paul Germain, a resident of Old Buckingham Road, expressed concerns that the proposed development will dramatically change the character of the historic road, indicating that he feels the proposed buffer should be increased.

Ms. Elizabeth Arnold, a resident of Old Buckingham Road, stated she has no problem with the proposed Wal-Mart expansion, but would like to see the buffer increased.

Mr. Gordon Meyer, member of the Village of Midlothian Volunteer Coalition and Chairman of the Midlothian Development Committee, commended the applicant, staff and Mr. Barber for addressing the residents' concerns, and requested that the Board support the proposed development.

Ms. Amy Satterfield, representing the Midlothian Development Committee, stated many potential uses have been removed from the proffered conditions, and indicated she supports the proposed development.

Mr. Peppy Jones stated he supports the proposed development.

Mr. Joe Boisineau, representing the Old Coache Village Civic Association, stated he supports the proposed development.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. Barber, seconded by Mr. Warren, the Board suspended its rules at this time to allow for the amended proffered conditions.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Barber inquired whether the cash proffer would address needs such as a traffic signal or increased vegetation on Old Buckingham Road.

Ms. Rogers stated the cash proffer must be used for property lying within the boundaries of the Midlothian Area Community Plan, and the Old Buckingham Road area is not within the boundaries.

Mr. Barber inquired about the possibility of incorporating Old Buckingham Road into the Midlothian Area Community Plan as part of the Northern Area Plan study.

Mr. Jacobson stated staff has been considering boundary changes in the Midlothian area; however, these changes would move the boundary farther from Old Buckingham Road.

Mr. Barber stated it is a possibility that after the road expansion, increased vegetation could be provided for Old Buckingham Road through community enhancement funds or other sources.

Mr. Barber then made a motion, seconded by Mr. Warren, for the Board to approve Case 03SN0246 and accept the proffered conditions.

Mr. McHale stated he is employed by Dominion Resources, and there is an existing power substation on the subject property owned and operated by another subsidiary. He further stated Mr. Micas has informed him this does not represent a conflict of interest and he is legally permitted to vote on this request.

Mr. Warren called for the vote on the motion of Mr. Barber, seconded by Mr. Warren, for the Board to approve Case 03SN0246 and accept the following proffered conditions:

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 735-708-1144, 734-709-8509, 734-709-8833, 734-709-6871, 736-708-1856 (part), 735-710-0007, 735-709-0665, 735-710-3714 and 735-710-7620 containing a total of 56.9 acres (the "Property") consisting of (i) 5.4 acres shown on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A") as "Sam's Club Property" (the "Sam's Club Property"), (ii) 26.5 acres shown on Zoning Exhibit A as "Wal-Mart Property" (the "Wal-Mart Property"), (iii) 11.9 acres shown on Zoning Exhibit A as "Office/Service Property" (the "Office/Service Property") and (iv) 13.1 acres shown on Zoning Exhibit A as "Stigall Property" (the "Stigall Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property for retail and industrial uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

1. Uses. No portion of the Wal-Mart Property or the Sam's Club Property shall be used for any of the following:
 - (a) Cocktail lounges and nightclubs
 - (b) Hospitals
 - (c) Hotels
 - (d) Flea markets
 - (e) Free-standing fast food restaurants.
 - (f) Any use with drive-in or drive-through facilities.
 - (g) Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
 - (h) Coin operated dry cleaning, laundry and Laundromats.
 - (i) Park and ride lots.
 - (j) Secondhand and consignment stores.
 - (k) Commercial kennels.
 - (l) Residential multifamily and townhouses.
 - (m) Outside storage of construction equipment/materials.
 - (n) Continuous outside display of merchandise for sale pursuant to Section 19-159(i) of the Zoning Ordinance other than within or within 100 feet of a garden center and limited to products related to the garden center operation.
 - (o) Outside runs for veterinary hospitals.
 - (p) Massage clinics except when located within a health club, tanning salon or similar facility.
 - (q) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis.
 - (r) Motor vehicle sales or rentals. (P)
2. Uses. No portion of the Office/Service Property or the Stigall Property shall be used for any of the following:
 - (a) Bakery products manufacturing.
 - (b) Paper recycling.
 - (c) Umbrellas, parasols and canes manufacturing.
 - (d) Converting paper to paperboard products, paperboard containers and boxes.
 - (e) Dry cleaning plants.
 - (f) Fur dressing and dyeing.
 - (g) Linoleum, asphalt-feltbase and other hard surface floor cover manufacturing.
 - (h) Park and ride lots.
 - (i) Rectifying and blending liquors.
 - (j) Rental of heavy construction machinery.
 - (k) Wine, brandy and brandy spirits manufacturing.
 - (l) Moving companies containing more than 15,000 gross square feet of building area.
 - (m) Cold storage facilities containing more than 15,000 gross square feet of building area.
 - (n) Coating, engraving and allied services facilities containing more than 15,000 gross square feet of building area. (P)
3. Architecture. In the event the existing building located on the Wal-Mart Property is expanded, the exterior architectural design for the building shall be generally consistent with the architectural elevations

dated June 17, 2003, prepared by PBA Architects, entitled "Midlothian, Virginia, Supercenter Expansion #1969 (the "Architectural Plans"). (P)

4. Building Heights.

- (a) Buildings on the Office/Service Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height.
- (b) Buildings on the Stigall Property shall have a maximum of two (2) stories and shall not exceed thirty (30) feet in height. (P)

5. Building and Parking Area Locations. Buildings and parking areas on the Property shall be subject to the following limitations:

- (a) No building on the Wal-Mart Property shall extend north of the area shown on Zoning Exhibit A as "Permitted Building Area" which area extends five hundred fifty (550) feet north of the right of way of U.S. Route 60.
- (b) No building, parking or driveways shall extend west of the line shown on Zoning Exhibit A as "Building, Parking and Driveway Setback", which line is further defined by metes and bounds on the plat dated July 16, 2003, prepared by Koontz-Bryant, P.C., entitled "Compiled Plat Showing A Proposed Building, Parking and Driveway Setback On A Parcel Of Land Lying On The North Line Of Midlothian Turnpike, U.S. Route 60". (P)

6. Upgrade of Site Lighting. In the event the existing building located on the Wal-Mart Property is expanded by more than 20,000 square feet of building area, (i) site lighting, including poles and fixtures, shall be modified to conform with the then applicable development conditions as set forth in the Zoning Ordinance, which modifications shall be completed prior to the issuance of an occupancy permit for the expanded building area and (ii) any building mounted lighting shall be limited to "wall pack" light fixtures. (P)

7. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)

8. Landscaping.

- (a) The western boundary of the Wal-Mart Property shall be landscaped, including the installation of fencing, in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Western Boundary Conceptual Landscape Plan" (the "Western Boundary Landscape Plan"). Adjustments to the Western Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review, provided that no such modification shall materially alter or reduce the overall effect provided by the

Western Boundary Landscape Plan. In the event parking serving the Wal-Mart Property extends onto the Office/Service Property, the western boundary of such parking area shall be landscaped in a manner consistent with the landscaping shown on the Western Boundary Landscape Plan adjacent to the parking areas on the northern portion of the Wal-Mart Property. If acceptable to the holder of the electric transmission easement crossing the property, a variety of evergreen trees shall be substituted for the wax myrtles shown on the Western Boundary Landscape Plan within the area of the transmission easement.

- (b) The southern boundary of the Wal-Mart Property shall be landscaped in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Route 60 Boundary Conceptual Landscape Plan" (the "Route 60 Boundary Landscape Plan"). Adjustments to the Route 60 Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review, provided that no such modification shall materially alter or reduce the overall effect provided by the Route 60 Boundary Landscape Plan.
- (c) The eastern boundary of the Wal-Mart Property shall be landscaped in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Eastern Boundary Conceptual Landscape Plan" (the "Eastern Boundary Landscape Plan"); provided, however, Zelcova trees shall be substituted for the Bradford celery pear trees shown on the Eastern Boundary Landscape Plan. Adjustments to the Eastern Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review provided that no such modification shall materially alter or reduce the overall effect provided by the Eastern Boundary Landscape Plan. (P)

9. Tree Preservation.

- (a) No trees with a caliper of greater than four (4) inches shall be removed from any of the areas shown on the Western Boundary Landscape Plan as "Tree Preservation Area" or within applicable building and parking setbacks along the western boundary of the Office/Service Property adjacent to Falling Creek; provided, however, this proffer shall not restrict the removal of dead or diseased materials or as may be required for the extension of utilities provided that such utility extensions shall occur generally perpendicular through the tree preservation area.
- (b) No trees shall be removed from the forty (40) foot wide area measured from (i) the existing boundary of the Office/Service Property adjacent to Old Buckingham Road and (ii) the ultimate right of way

for Old Buckingham Road adjacent to the Stigall Property as described in proffer 12(b); provided, however, this proffer shall not restrict (A) the removal of dead or diseased materials or as may be required for the extension of utilities provided that such utility extensions shall occur generally perpendicular through the tree preservation area, (B) the removal of noxious vegetation (e.g. scrub brush) as approved by the Planning Department or (C) the removal of trees with a caliper of less than four (4) inches, other than as provided in (A) and (B) above, pursuant to a plan which may be submitted and approved in connection with site plan review which plan provides for the substitution of additional landscaping for any trees to be removed. (P)

10. Water and Wastewater. Public water and wastewater systems shall be used. (U)
11. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
12. Transportation.
 - (a) Access to Old Buckingham Road. There shall be no direct access to or from the Property to Old Buckingham Road.
 - (b) Right of Way for Old Buckingham Road. Prior to the issuance of any building permit for the Stigall Property, thirty-five (35) feet of right of way on the south side of Old Buckingham Road, measured from the centerline of that part of Old Buckingham Road immediately adjacent to the Stigall Property shall be dedicated, free and unrestricted (but subject to recorded easements), to and for the benefit of Chesterfield County.
 - (c) Access Road to Office/Service Property, Wal-Mart Property and Stigall Property.
 - (i) Prior to any final site plan approval for any development on the Office/Service Property, the Wal-Mart Property or the Stigall Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from the existing terminus of WalMart Way shown conceptually as "Point A" on Zoning Exhibit A ("Point A") to the western boundary of Tax ID 736-709-3667 shown conceptually as "Point C" on Zoning Exhibit A ("Point C"), including right of way across the parcel identified as Tax ID 735-709-5944, as applicable, all as shown conceptually on Zoning Exhibit A (the "Western Special Access Street"), shall be dedicated, free and unrestricted, to and for

the benefit of Chesterfield County. The exact location of the Western Special Access Street shall be approved by the Transportation Department. (Note: This proffer shall not require bonding of construction prior to the time construction is required pursuant to the remaining sections of this proffer.)

- (ii) Prior to issuance of the initial occupancy permit for any development on the Office/Service Property or the Stigall Property, other than as part of the parking area for the Wal-Mart Property as identified in the Textual Statement, at least 600 linear feet of the Western Special Access Street shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.
- (iii) Prior to the first to occur of (A) issuance of occupancy permits for more than 45,000 square feet of buildings on the Office/Service Property and the Stigall Property, calculated on a cumulative basis, or (B) issuance of occupancy permits for any building constructed on the Office/Service Property or the Stigall Property subsequent to approval of site plans for more than seven and one half (7.5) acres of the Office/Service Property and the Stigall Property, calculated on a cumulative basis, a total of at least 1,200 linear feet of the Western Special Access Street shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department ("Phase II"). The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.
- (iv) Prior to approval of any site plan for which construction of Phase II of the Western Special Access Street is required, a bond shall be provided to the County to assure completion of the remaining portion(s) of the Western Special Access Street necessary to extend the roadway from Point A to Point C (the "Road Construction Bond"). The Road Construction Bond shall be in an amount approved by the Transportation Department and may be reduced upon completion of each phase of construction of the Western Special Access Street as determined by the Transportation Department.
- (v) Prior to the first to occur of (A) issuance of occupancy permits for either more than 90,000

square feet of buildings on the Office/Service Property and the Stigall Property, calculated on a cumulative basis, or (B) issuance of occupancy permits for any building constructed on the Office/Service Property or the Stigall Property subsequent to approval of site plans for more than fifteen (15) acres of the Office/Service Property and the Stigall Property, calculated on a cumulative basis, or (C) five (5) years from the date of the initial delivery of the Road Construction Bond to the County, the entire Western Special Access Street from Point A to Point C shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.

(vi) Each phase of construction of the Western Special Access Street shall connect with roadways extending from either Point A or the point shown conceptually as "Point D" on the Plan.

(d) Intentionally Deleted.

(e) Access Easement to Adjacent Property. Prior to any site plan approval on the Stigall Property which provides for construction of the portion of the Western Special Access Street extending through Tax ID 735-709-5944 adjacent to Tax ID 736-709-3667, an access easement, acceptable to the Transportation Department, shall be recorded across the Stigall Property and/or across the parcel identified as Tax ID 735-709-5944, from the Western Special Access Street to the parcel identified as Tax ID 736-710-0625, at a location acceptable to the Transportation Department. The recorded access easement shall include a condition that the easement may not be used by any portion of the parcel identified as Tax ID 736-710-0625 which uses Old Buckingham Road for access, it being the intention that no traffic from Old Buckingham Road shall be allowed to travel from Old Buckingham Road to the Western Special Access Street. (T)

(f) Access Road to Sam's Club Property.

(i) Prior to any final site plan approval for any development on the Sam's Club Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" on Zoning Exhibit A ("Point D") to the common boundary line between the Sam's Club Property and the parcel identified as Tax ID 735-709-8503 shown as "Point E" on Zoning Exhibit A ("Point E"), all as shown conceptually on

Zoning Exhibit A (the "Eastern Special Access Street"), shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Eastern Special Access Street shall be approved by the Transportation Department.

- (ii) Prior to issuance of an occupancy permit for any development on the Sam's Club Property, the Eastern Special Access Street from Point D to Point E shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.
- (g) Access from U.S. Route 60. Direct access from the Wal-Mart Property to Route 60 shall be limited to one (1) point of access at substantially the same location as the existing point of access as generally shown on Zoning Exhibit A. If relocated from its existing location, the exact location of the access shall be approved by the Transportation Department.
- (h) Maximum Densities.
 - (i) Development on the Office/Service Property shall not exceed 40,000 gross square feet of business park uses or equivalent traffic density as determined by the Transportation Department consistent with the May, 2003 Revised Traffic Impact Analysis Report for the Wal-Mart Retail Center Expansion prepared by Ramey Kemp & Associates of Richmond, Inc. (the "Traffic Analysis").
 - (ii) Development on the Wal-Mart Property shall not exceed 212,428 gross square feet of shopping center uses, exclusive of outside display/storage/service areas that are not covered or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
 - (iii) Development on the Sam's Club Property shall not exceed a gasoline/service station with 12 fueling stations and including a car wash facility or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
 - (iv) Development on the Stigall Property shall not exceed 104,800 gross square feet of business park uses or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
 - (v) Notwithstanding the foregoing, with the

agreement of the applicable property owners and the approval of the Transportation Department, density on any of the Office/Service Property or the Stigall Property may be transferred to other portions of the Office/Service Property or the Stigall Property and density on any of the Wal-Mart Property or the Sam's Club Property may be transferred to other portions of the Wal-Mart Property or the Sam's Club Property. Density transfer(s) shall be based on equivalent traffic generation as determined by the Transportation Department. (T)

13. In conjunction with the approval of this request, the Textual Statement dated July 14, 2003, last revised September 15, 2003 shall be approved. (P)
14. Cash Proffer. To mitigate the impact of development, prior to final site plan approval for any development on the Wal-Mart Property, the applicant or its assignee(s) shall pay \$340,000 to the County for improvements to the area located within the boundaries of the Midlothian Area Community Plan which may include, but not necessarily be limited to, traffic signalization, streetscape improvements or acquisition of property or development rights to protect the entrance into the Village of Midlothian. Notwithstanding the foregoing, in the event application for approval of a site plan for development on the Wal-Mart Property generally consistent with the approved zoning is not submitted to the County within six (6) months from the date of rezoning approval or thereafter diligently pursued in good faith to a final decision, such payment shall become due and payable thirty (30) days after written request from the County to the applicant or its assignee(s). In the event the funds paid are not used for such purposes within fifteen (15) years of receipt by the County, any unused funds shall be returned to the payor. (P & BM)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Miller excused himself from the meeting.

03SN0245

In Midlothian Magisterial District, WILLIAM P. SOWERS CONSTRUCTION CO. requests rezoning and amendment of zoning district map from Corporate Office (O-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use, medium density residential use of 1.51 to 4.0 units per acre and medium/high density residential use of 4.01 to 7.0 units per acre. This request lies on 5.2 acres fronting approximately 475 feet on the east line of Walmart Way, approximately 700 feet north of Midlothian Turnpike. Tax IDs 735-709-8503 and Part of 5944 (Sheet 6).

Ms. Beverly Rogers presented a summary of Case 03SN0245 and stated proffered conditions have limited the uses permitted, noting that additional modifications to Proffered Condition 1 have been received to further eliminate uses. She further stated staff recommends denial because the proposed zoning and land use do not conform with the Midlothian Area Community Plan and the Northern Area Plan; however, staff and the Planning Commission have agreed that this case, coupled with the pending Poseidon and Wal-Mart cases, accomplishes appropriate land use transition while zoning and planning for development of most of the remaining vacant property between Route 60 and Old Buckingham Road. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proposal would minimize the traffic impact on Old Buckingham Road by providing an internal road network system which accesses Route 60.

Mr. Ed Kidd, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Warren called for public comment.

Mr. Peppy Jones stated he supports the proposed development.

Mr. Gordon Meyer stated he supports the request.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. Barber, seconded by Mr. Warren, the Board suspended its rules at this time to allow for acceptance of the amended proffered condition.

Ayes: Warren, McHale, Barber and Humphrey.

Nays: None.

Absent: Miller.

On motion of Mr. Barber, seconded by Mr. McHale, the Board approved Case 03SN0245 and accepted the following proffered conditions:

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 735-709-8503 and 735-709-5944 (part) containing a total of 5.2 acres as shown on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A") (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property to C-3 for development of retail uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

1. Uses. No portion of the Property shall be used for any of the following:

- (a) Cocktail lounges and nightclubs
 - (b) Hospitals
 - (c) Hotels
 - (d) Flea markets
 - (e) Free-standing fast food restaurants.
 - (f) Any use with drive-in or drive-through facilities.
 - (g) Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
 - (h) Coin operated dry cleaning, laundry and Laundromats.
 - (i) Park and ride lots.
 - (j) Secondhand and consignment stores.
 - (k) Commercial kennels.
 - (l) Residential multifamily and townhouses.
 - (m) Outside storage of construction equipment/materials.
 - (n) Continuous outside display of merchandise for sale pursuant to Section 19-159(i) of the Zoning Ordinance other than within or within 100 feet of a garden center and limited to products related to the garden center operation.
 - (o) Outside runs for veterinary hospitals.
 - (p) Massage clinics except when located within a health club, tanning salon or similar facility.
 - (q) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis.
 - (r) Motor vehicle sales or rentals. (P)
2. Building Heights. Buildings on the Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height. (P)
3. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)
4. Water and Wastewater. Public water and wastewater systems shall be used. (U)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
6. Transportation
- (a) Access Road to Wal-Mart Way.
 - (i) Prior to any final site plan approval for any development on the Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" on Zoning Exhibit A ("Point D") to the common boundary line between the parcel identified as Tax ID 736-

709-1439 and the parcel identified as Tax ID 736-709-3667, including rights of way across the parcels identified as Tax ID's 736-708-1856, 736-709-4223 and 736-709-1439 shown as "Point F" on Zoning Exhibit A ("Point F"), all as shown conceptually on Zoning Exhibit A (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Special Access Street shall be approved by the Transportation Department.

(ii) Prior to issuance of an occupancy permit for any development on the Property, the Special Access Street shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.

(iii) In the event the developer is unable to acquire the right of way across the parcels identified as Tax ID's 736-709-4223 and 736-709-1439 necessary for the Special Access Street as identified in Proffered Condition 6(a)(i) and (ii), the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligation to acquire the "off-site" right of way and construction of the Special Access Street across the parcels identified as Tax ID's 736-709-4223 and 736-709-1439.

(b) Maximum Density. Development on the Property shall not exceed 40,000 gross square feet of shopping center uses or equivalent traffic density as determined by the Transportation Department consistent with the May, 2003 Revised Traffic Impact Analysis Report for the Wal-Mart Retail Center Expansion prepared by Ramey Kemp & Associates of Richmond, Inc. (T)

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

Mr. Miller returned to the meeting.

03SN0284

In Midlothian Magisterial District, POSEIDON SWIMMING, INC. requests Conditional Use and amendment of zoning district map to permit a commercial indoor recreational establishment in an Agricultural (A) District. The density of such amendment

is controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.6 acres lying off the western terminus of West Petty Road, approximately 150 feet west of Black Heath Road. Tax IDs 736-709-3667 and 4223 (Sheet 6).

Ms. Rogers presented a summary of Case 03SN0284 and stated staff recommended denial because the proposed zoning and land uses do not comply with the Northern Area Plan; however, staff and the Planning Commission have indicated that this case, coupled with the pending Wal-Mart and William Sowers cases, accomplishes appropriate land use transition while zoning and planning for the remaining area between Route 60 and Old Buckingham Road. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proposals would minimize the traffic impact on Old Buckingham Road by providing an internal road network system which accesses Route 60. She stated staff recommends, if the Board wishes to approve the proposal, additional buffering should be provided to the north and along the eastern property line.

Mr. John Easter, representing the applicant, stated the proposed development will be one of the two best swimming facilities in the state and also represents a good economic development tool. He further stated the Planning Commission's recommendation is acceptable.

Mr. Warren called for the public hearing.

Mr. Peppy Jones stated he supports the request.

Ms. Amy Satterwhite stated she supports the request and feels it will be an asset to the community.

There being no one else to speak to the request, the public hearing was closed.

After brief discussion, on motion of Mr. Barber, seconded by Mr. Warren, the Board approved Case 03SN0284 and accepted the following proffered conditions:

The property owner and applicant in this conditional use request, for themselves and their successors or assigns, proffer that any development of the property under consideration ("the Property") for indoor recreational use shall be according to the following proffered conditions if, and only if, the conditional use is approved with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. No Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. Public Wastewater System. The public wastewater system shall be used. (U)
3. Restricted Access. No access shall be permitted to or from the Property to Black Heath Road or West Petty Road. (T)
4. Building and Parking Area Location. Any building shall be located toward the eastern property line, with its longer dimension generally parallel to that property line, and parking shall not be permitted between such building and the eastern property line. This shall not preclude driveways to accommodate emergency access. Any building or parking area shall be set back at least 75 feet from the eastern property line and from the northern property line adjacent to Tax ID 736-710-3031. (P)
5. Uses. Uses shall be limited to indoor recreation consisting of indoor swimming pool, spectator areas, facilities customarily accessory to this indoor swimming facility, and bingo operations. (P)
6. Development Standards. Any development shall conform to the requirements of the Zoning Ordinance for Neighborhood Business (C-2) uses in Emerging Growth Areas, except that: (a) where the requirements of the underlying Agricultural (A) zoning are more restrictive, they shall apply; (b) no buffer shall be required adjacent to Tax ID 736-709-1439; and (c) any architectural theme and compatibility requirements for commercial districts (currently contained in section 19-570(a) of the Zoning Ordinance) shall not apply.

A 50-foot buffer meeting the requirements of sections 19-520, 19-521, and 19-522 of the Zoning Ordinance shall be provided adjacent to Tax ID 736-710-3031 as long as that property is used for residential or agricultural uses. (P)

7. Transportation.
 - (a) Public Access Road to Wal-Mart Way and Easement to Adjacent Property.
 - (i) Prior to any final site plan approval for any development on the Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from Wal-Mart Way at the approximate location shown as "Point D" on Zoning Exhibit A ("Point D") to the common boundary line between the parcel identified on Zoning Exhibit A as Tax ID 736-709-3667 and the parcel identified as Tax ID 735-709-5944, including rights of way across the parcels identified as Tax ID 736-708-1856, 735-709-8503, and 736-709-1439 shown as "Point C" on Zoning Exhibit A ("Point C"), all as shown conceptually on Zoning Exhibit A (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of

the Special Access Street shall be approved by the Transportation Department.

(ii) Prior to issuance of an occupancy permit for any development on the Property, the Special Access Street shall be constructed as a two (2) lane road from Point D to Point C and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.

(iii) Prior to any site plan approval on the Property, an access easement, acceptable to the Transportation Department, shall be recorded across the Property and/or across the parcel identified as Tax ID 735-709-5944 from the loop road shown on Zoning Exhibit A ("Loop Road") to the parcel identified as Tax ID 736-710-3031, at a location acceptable to the Transportation Department. The recorded access easement shall include a condition that the easement may not be used by any portion of the parcel identified as Tax ID 736-710-3031 which uses Old Buckingham Road for access, it being the intention that no traffic from Old Buckingham Road shall be allowed to travel from Old Buckingham Road to the Loop Road.

(iv) In the event the developer is unable to acquire the right of way necessary for the Special Access Street as identified in Proffered Condition 6(a)(i) and (ii), the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligations to acquire the "off-site" right of way, to construct the Special Access Street across the parcels identified as Tax ID 736-708-1856, Tax ID 735-709-8503, and Tax ID 736-709-1439, and to provide an access easement for the benefit of the parcel identified as Tax ID 736-710-3031.

(b) Maximum Density. Development on the Property shall not exceed a 1,010 seat swimming pool facility or equivalent traffic density as determined by the Transportation Department consistent with the May, 2003 Revised Traffic Impact Analysis Report for the Wal-Mart Retail Center Expansion prepared by Ramey Kemp & Associates of Richmond, Inc., except that additional development beyond such maximum density may be approved by the Transportation Department upon completion of additional traffic analysis acceptable to the Transportation Department and

provided that mitigating road improvements are constructed as determined by the Transportation Department. (T)

8. Architectural Treatment. Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located on Tax ID 736-708-1856 and Tax ID 735-709-8503. Compatibility may be achieved through the use of similar materials, scale, colors and other architectural features. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Ramsey stated Mr. McHale had requested resolutions recognizing employees and citizens for their efforts during Hurricane Isabel. He further stated staff would like to designate November 12, 2003 as "Employee Appreciation Day," hold a reception at 2:30 p.m. prior to the Board meeting, and present the resolution recognizing employees at the meeting. He stated staff has also established a team to provide recommendations for recognizing the citizens who played an important role in restoring the county following the hurricane.

18. ADJOURNMENT

It was generally agreed that the Board adjourn at 9:18 p.m. until November 12, 2003 at 2:30 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Lane B. Ramsey
County Administrator

Arthur S. Warren
Chairman